

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY
DOCUMENT
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DATE FILED: 03/25/2022

KEIICHI ARITOMO and JOY ZHANG,

Plaintiffs,

v.

YOUNGJOO (“JULIA”) RHEE, ALEKSEY
IGUDESMAN, and MUSIC TRAVELER
GmbH,

Defendants.

No. 21-CV-4875 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

Consistent with the issues discussed at oral argument earlier today, by no later than April 18, 2022, Defendants shall submit the following information to the Court via letter or affidavit:

- (1) Confirmation that Defendant Youngjoo (“Julia”) Rhee consents to jurisdiction in Austria if the Court were to dismiss the action and Plaintiffs were to initiate suit there.
- (2) Additional information and support for Defendants’ assertion that this dispute could be brought in Austria. As noted during oral argument, Defendants bear the burden of demonstrating that an adequate alternative forum exists. *Bank of Credit & Commerce Int’l (Overseas) Ltd. v. State of Bank of Pak.*, 273 F.3d 241, 248 (2d Cir. 2001). While “[t]he availability of an adequate alternative forum does not depend on the existence of the identical cause[s] of action in the other forum,’ nor on identical remedies,” it does depend on whether the alternative forum “permits litigation of the subject matter of the dispute.” *Norex Petroleum Ltd. v. Access Indus.*, 416 F.3d 146, 157–58 (2d Cir. 2005) (internal citation omitted).

Plaintiffs shall have the opportunity to respond by no later than May 2, 2022.

This case shall be stayed pending receipt of the foregoing materials.

SO ORDERED.

Dated: March 25, 2022
New York, New York



Ronnie Abrams
United States District Judge